

UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS

IN RE NEW ENGLAND COMPOUNDING)	
PHARMACY, INC. PRODUCTS LIABILITY)	
LITIGATION)	
_____)	MDL No. 2419
)	Dkt. No 1:13-md-2419 (FDS)
THIS DOCUMENT RELATES TO:)	
)	
<i>All Actions</i>)	
)	
_____)	

**JOINT MOTION TO EXTEND DEADLINE FOR
RESPONSE TO MOTION TO RECONSIDER**

Saint Thomas West Hospital, formerly known as St. Thomas Hospital, Saint Thomas Network, and Saint Thomas Health (collectively, the “Saint Thomas Entities”), Saint Thomas Outpatient Neurosurgical Center, LLC (“STOPNC”), Howell Allen Clinic, P.C. (“Howell Allen”), John W. Culclasure, M.D. (“Dr. Culclasure”), Debra V. Schamberg, R.N. (“Nurse Schamberg”), Specialty Surgery Center, Crossville, PLLC (“SSC”), Kenneth R. Lister, M.D. (“Dr. Lister”), and the Plaintiffs’ Steering Committee (the “PSC”), hereby jointly move for an extension of the deadline to November 4, 2013, to file a joint proposed order or separate orders in response to the Saint Thomas Entities’ Motion to Reconsider MDL Order No. 7.

In support of this motion, the parties state as follows:

1. On September 26, 2013, the Saint Thomas Entities filed a Motion to Reconsider MDL Order No. 7 [Docket No. 457] (the “Motion to Reconsider”). On October 7, 2013, the PSC responded, opposing the Motion to Reconsider. [Docket No. 478] STOPNC, Howell Allen, Dr. Culclasure, and Nurse Schamberg filed a motion to join the Motion to Reconsider [Docket No. 459] that was granted by the Court. [Docket No. 461] SSC and Dr. Lister also filed a motion to

join the Motion to Reconsider [Docket No. 506] that was granted by the Court. [Docket No. 507]

2. At the Court's last status conference, on October 8, 2013, the Court heard argument concerning the Motion to Reconsider from counsel for the Saint Thomas Entities and representatives from the PSC. The Court did not rule on the Motion to Reconsider, but instead ordered the parties to meet and confer on the issues addressed in the motion and to either submit joint or separate proposed orders by October 22, 2013.

3. On October 15, 2013, counsel for the Saint Thomas Entities and representatives from the PSC conferred about the issues raised in the motion, but they still need additional time and information to deliberate further.

4. Counsel for the Saint Thomas Entities has been preparing drafts of proposed case-management orders addressing the multiple issues raised in the Motion to Reconsider, including the selection of bellwether trials, discovery, and pleadings.

5. Representatives of the PSC and other parties will need time to respond to these proposals.

6. All parties request additional time to try to reach agreement concerning these case management issues, so as to submit a proposal or proposals to the Court that have been thoroughly considered by both sides and to limit disagreement between the parties to the extent possible.

For these reasons, the Saint Thomas Entities, STOPNC, Howell Allen, Dr. Culclasure, Nurse Schamberg, SSC, Dr. Lister, and the PSC request an extension until November 4, 2013, to file joint or separate proposals in response to the Motion to Reconsider.

Saint Thomas West Hospital,
Saint Thomas Network, and
Saint Thomas Health

By its attorneys,

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Dated: October 22, 2013

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CERTIFICATE OF SERVICE

I certify that, on October 22, 2013, this document (filed through the ECF system) will be sent electronically to the registered participants as identified on the Notice of Electronic Filing (NEF).

/s/ Sarah P. Kelly

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